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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,494	06/05/2001	Tseng-hui Timothy Chen	COUL-012/01US	7143

7590 02/13/2004

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EXAMINER
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LAMBERTSON, DAVID A

ART UNIT	PAPER NUMBER
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1636

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO. 09/75,494	FILING DATE 05/05/2001	FIRST NAMED INVENTOR: Tseng-hui Chen	ATTORNEY DOCKET NO. COUL-012/01US
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EXAMINER

David A. Lambertson

ART UNIT	PAPER
1636	020304

DATE MAILED:

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Commissioner of Patents

The following communication is a response to the amendment filed October 29, 2003. The amendment is non-responsive because the amendment format does not follow the Revised Amendment Practice under 37 CFR 1.121. Specifically, the amendment of claims 4-6, 14 and 15 contain double-brackets with respect to claim dependencies. Although double-bracketing is an acceptable form of *deleting* subject matter from a claim, it is not an appropriate format for the *addition* of subject matter. In the instant case, it appears as if Applicant intended to add the double-bracketed material to the claim, especially in light of the otherwise absence of a claim dependency. Rather than issue a FINAL Office Action containing numerous rejections under 35 USC § 112, second paragraph, the Office is issuing an Action of Non-Responsive Amendment to afford Applicant the opportunity to rectify the claim amendments in accord with the Revised Amendment Practice under 37 CFR 1.121. A copy of the guidelines concerning the revised practice is attached to this Office Action for Applicant's convenience.

Any inquiry concerning this communication should be directed to Examiner **David A. Lambertson**, Art Unit 1636, whose telephone number is (571) 272-0771.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

David A. Lambertson, Ph.D.  
Examiner, Art Unit 1636

  
JAMES KETTER  
PRIMARY EXAMINER

**REVISED AMENDMENT PRACTICE: 37 CFR 1.121 CHANGED  
COMPLIANCE IS MANDATORY - Effective Date: July 30, 2003**

All amendments filed on or after the effective date noted above must comply with revised 37 CFR 1.121. See Final Rule: **Changes To Implement Electronic Maintenance of Official Patent Application Records** (68 Fed. Reg. 38611 (June 30, 2003), posted on the Office's website at: <http://www.uspto.gov/web/patents/ifw/> with related information. The amendment practice set forth in revised 37 CFR 1.121, and described below, replaces the voluntary revised amendment format available to applicants since February 2003. **NOTE: STRICT COMPLIANCE WITH THE REVISED 37 CFR 1.121 IS REQUIRED AS OF THE EFFECTIVE DATE (July 30, 2003).** The Office will notify applicants of amendments that are not accepted because they do not comply with revised 37 CFR 1.121 via a Notice of Non-Compliant Amendment. See MPEP 714.03 (Rev. 1, Feb. 2003). The non-compliant section(s) will have to be corrected and the entire corrected section(s) resubmitted within a set period.

*Bold underlined italic font has been used below to highlight the major differences between the revised 37 CFR 1.121 and the voluntary revised amendment format that applicants could use since February, 2003.*

Note: The amendment practice for reissues and reexamination proceedings, except for drawings, has not changed.

**REVISED AMENDMENT PRACTICE****I. Begin each section of an amendment document on a separate sheet:**

Each section of an amendment document (e.g., Specification Amendments, Claim Amendments, Drawing Amendments, and Remarks) must begin on a separate sheet. Starting each separate section on a new page will facilitate the process of separately indexing and scanning each section of an amendment document for placement in an image file wrapper.

**II. Two versions of amended part(s) no longer required:**

37 CFR 1.121 has been revised to no longer require two versions (a clean version and a marked up version) of each replacement paragraph or section, or amended claim. Note, however, the requirements for a clean version and a marked up version for substitute specifications under 37 CFR 1.125 have been retained.

**A) Amendments to the claims:**

Each amendment document that includes a change to an existing claim, cancellation of a claim or submission of a new claim, must include a complete listing of all claims in the application. After each claim number in the listing, the status must be indicated in a parenthetical expression, and the text of each pending claim (with markings to show current changes) must be presented. The claims in the listing will replace all prior claims in the application.

- (1) The current status of all of the claims in the application, including any previously canceled, not entered or withdrawn claims, must be given in a parenthetical expression following the claim number using only one of the following seven status identifiers: (original), (currently amended), (canceled), (withdrawn), (new), (previously presented) and (not entered). The text of all pending claims, including withdrawn claims, must be submitted each time any claim is amended. Canceled and not entered claims must be indicated by only the claim number and status, without presenting the text of the claims.
- (2) The text of all claims being currently amended must be presented in the claim listing with markings to indicate the changes that have been made relative to the immediate prior version. The changes in any amended claim must be shown by underlining (for added matter) or strikethrough (for deleted matter) with 2 exceptions: (1) for deletion of five characters or fewer, double brackets may be used (e.g., [[eroor]]); and (2) if strikethrough cannot be easily perceived (e.g., deletion of the number "4" or certain punctuation marks), double brackets must be used (e.g., [[4]]). As an alternative to using double brackets, however, extra portions of text may be included before and after text being deleted, all in strikethrough, followed by including and underlining the extra text with the desired change (e.g., number 4 as number 14 as). An accompanying clean version is not required and should not be presented. Only claims of the status "currently amended," and "withdrawn" that are being amended, may include markings.
- (3) The text of pending claims not being currently amended, including withdrawn claims, must be presented in the claim listing in clean version, i.e., without any markings. Any claim text presented in clean version will constitute an assertion that it has not been changed relative to the immediate prior version except to omit markings that may have been present in the immediate prior version of the claims.